App F IX 4

Previous References

1 47 10

19 47 48
48
Cent Stn

File No 1 47

Serial Nos 11, 12, 15,

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 4492

Part B for March 48

SUBJECT

Election of the Vice-president for the 48 Commission Civil station, Bangalore

---

Yr C/4432 of 10-3-48

To The Comptroller, Mysore Gazette

WD 010861—GPB—25 000—16-9-50

No A 1-63/1943 Office of the Municipal Commission,
Civil Station, Bangalore
dated the 2nd May 1948

GENERAL & REVENUE SECRETARIAT
6624
2 MAY 1948
SECRETARIAT BRANCH

From

The President, Municipal Commission,
Civil Station, Bangalore

To

The Secretary to the
Government of His Highness the Maharaja of Mysore,
Revenue Department, BANGALORE

Subject - Municipal Elections -
Civil Station, Bangalore

Sir,

I have the honour to invite your kind attention to this office letter No A 1/63/48 dated the 12th March 1948 on the above subject, and to request the favour of immediate orders in the matter, as the voters' lists have to be prepared, printed and published before the 15th July 1948, in case the Government decide to hold general elections during November 1948

I have the honour to be,
Sir,
Your most obedient servant,

President, M C

MVL
3-5-48

1) The file was sent to the ... Branch on 29-4-1948 (Dy No 6624 5-4-10) and the same is not yet received back

2) A draft reply is furnished

This may be sent to the Legislature for returning the enquiry after issue of letter

1)

6624

MC

To The president - Municipal Commissioners Calcutta

Memo dt 7-5-48

Instructions letter orders of Govt will be communicated shortly

6) Resubmitted

The file was sent to the Legislative section for furnishing information about the Corporation Bill The same will be obtained from the Commissioners

Please

8
10/5/48

Favour of furnishing the information already called for in the Corporation Bill

Asst Secy Legislative Dept

Kind reference is invited to the note on the linked file

Mas
15 5 48

805

MU

President Municipal Commn
Civil Station Bangalore
A1-241/4-1949 — dated 28-11-49

Request approval to the election of
Mr V P Dheenadayalu Naidu as Vice President
of the Municipal Commission for the
period from 1-12-1947 to 30-11-1948

1) A draft notification approving the
election of Mr V-P Dheenadayalu Naidu
as Vice President of the Municipal
Commission Civil Station Bangalore — is
put up

2) May be approved

563/4
1/12

3) There are no objections received in this connection — I believe — Will Mr Naidu please ?

2/12/49

2814
MC 5 2805

Letter dated 27-11-47 received from Mr M Jayaseelan Municipal Commissioner Civil Station addressed to the Minister for Municipalities bringing to the notice of the Govt that the election of Mr V P Dheenadayalu Naidu as Vice President of the Municipal Commission is not valid and that it may be set aside and fresh election may be ordered to be held

---

4) The objection petition received from Mr M Jayaseelan - Municipal Commissioner Civil Station Bangalore-forwarded

5) Proceedings of a report may be called thereon from the President Municipal Commission Bangalore

4/12

6) If appeal a report will be called for from the Pres. Coll. & Dists

2/12/47

S 725
1/2
257
3/12/47
Ministers
C Secs 2 Secs
2/12/47

5 DEC 1947

9) A draft letter is submitted

To

The President - All Comm
Civil station -

1155 of 5-12-47

calls for a report on the
objection petition of Mr Jayadevan

From the General Secretary

The Assembly Camp Salem -
7 Blacksmiths Road Salem

Brings to notice the illegality of the
Prudential Election and requests
that the election be set aside

11) Submitted with a draft letter to the
President - Civil station Salem calling for
report

The President Civil station

11743 of 12-12-47

calls for a report

28/45 3261

From the President- Municipal Commissioner Civil Station- Bangalore

A1- 2441/18 d 13-12-47

Forwarding detailed report on the several points mentioned in Mr Jayaseelan's letter dated 1-12-47- objecting to the election of Mr D Peenadayalu Naidu as Vice President of the Municipal Commissioner

13) After examining in detail the several points mentioned by Mr Jayaseelan the Municipal President of the opinion that there is no ground whatever to hold fresh election

14) He therefore requests approval to the election of Mr D Peenadayalu Naidu as Vice President- & the draft notification approving the election enclosed

15) Refer paras 6 and 7 supra

16) The opinion of the Law Officer will be called for on the contentions raised by Mr Jayaseelan in his connected papers forwarded thereto by the President of the Municipal Commissioner Bangalore Civil Station vide reference 1st cited

Mr 17/12 17-12-47

Election of Vice President, C & M - State

3261 / 46 — 3312 / Cus C

General and Revenue Secretariat | File No o 194 | [App F III-2

Serial No

17)) In view of the precedent of Rec 5 on Mr Jayaseelans objections & doubt I think it is necessary to obtain Law opinion also in this matter The President told me that orders approving the election of Mr Dheenadayalu Naidu as Vice-President were urgently necessary

18) It may therefore be approved

Minister C. Rels & Immy Thro' Law Secy

22/12/47

82 23/12

14) The rules re election of Vice-President are not clear as to when the election should be held (flag 'X') The only point for consideration is whether the President was right in refusing to permit Mr Jayaseelan to stand as a candidate for the Vice-President's place though he allowed him to vote in the election The Collector and the President contends that as the fresh nomination for the new year was not notified in time he was not sure whether the old member (Mr Jayaseelan) would be continued and that therefore the Member was not allowed to stand as a candidate

NOTE—Contn Sheet

Serial No

20) Law presumes that a member continues until he vacates office Even if there was any delay in notifying the newly constituted council the old member will continue until he vacates in due course Since the election was held prior to 1 1 1947 there would of course be a doubt about the continuance of the nominated Councillor, but if the other members (elected) could exercise their rights before that date there is no reason why the nominated Councillor should be deprived of his rights as he holds the office as a councillor The proper course was to have waited till the nominations were announced by the Government and then held the election of the Vice-President The election held does not appear to be a valid one

Law Secy) 23/12

21) A reference may be made to the A G for opinion

SK 23/12

Forwarded with compliments to the Advocate General for favour of opinion By order for Secretary to Govt Genl Deptt

No 171 dy 24 12 47

AVA 23/12/47

Re-transmitted with compliments

(3) The term of Mr I S Narasiah was due to expire on 30th November 1947 and the President fixed the 27th November 1947 as the date for the election of the new Vice-President That does not indicate any haste on the part of the President to hold the election Further, as the President points out, the Vice-Presidential election is being held in November from 1937 onwards

(4) In my opinion, the President was perfectly right in stating that Mr Jayaseelan could not contest the election as matters stood on 26th November when he replied to Mr Jayaseelan and even on 27th In his letter of 27th November, Mr Jayaseelan himself says only case has been recommended to Government for continuance in the Commission from 1st December '47 and it is not my fault if the orders of Government are delayed" It would indeed be irregular and illegal if the president allowed him to contest on the surmise that Government would accept his recommendation for re-nomination of Mr Jayaseelan That would be speculation and the President cannot be accused of refusing to speculate It would also be illegal to allow a person to contest the Vice-Presidentship for the year commencing 1st December 1947 before he became a Municipal Commissioner for that period

(5) The other question is whether it was proper to have allowed Mr Jayaseelan to have exercised his vote in the election Such a course is not without precedent I understand from Mr Puttarangaswami (who looked into the Municipal files at my request that

3312

that Mr Shanmugham Pillay the then Harijan candidate exercised his vote on 29th November 1938, though the communication re his nomination for the next year was received only on 1-12-1938

26) Mr Shanmugham Pillay again exercised his vote on 28th November 1940 and continued in the commission till his nomination on 10th February of the next year These instances show that the Vice-Presidential elections in the Commission are held without reference to the nomination of the Harijan Candidate and the sitting member at the time is allowed to exercise his vote

SECRETARY LEGISLATIVE 3810 26 JAN 1948 2611 GOVT

27) The first contention is not sound and the second contention is covered by precedent and the rival candidate has not even complained of it In my opinion, the election has been held in conformity with the practice obtaining in the Commission and is not illegal

Sgd E Thompson Jr
AG 26/1/48

28) The Advocate-General's opinion is based on facts and practice further ascertained from the Collector In the absence of any provision prescribing the date of election it was reasonable to expect that the meeting for election be held after the expiry of the office

SECRETARY LEGISLATIVE 3845 27 JAN 1948 GOVT

Jr 27/1

Laws Secy)

29) The grounds on which the election of the Vice-President for the Municipal Commission, Civil Area, Bangalore, is said to be invalid are

1 that the Commission was not fully

Serial No

fully constituted when the election took place,

2 that the petitioner when he had a right to vote during the election could not be debarred from standing as a candidate,

3 that the petitioner was deprived of the full chance of being elected for no fault of his, and

4 that his protest in the Commission was ignored

3.) The petition was referred to the Advocate General for legal opinion and he has stated that this election was held in conformity with the practice prevailing in the Commission and is not illegal It is difficult to consider that because a practice such as that complained of might have been prevailing (only one such previous instance is taken as a case in point) the petitioner cannot dispute the legality about the practice if any It also to be said that merely because a certain method of election was in vogue hat it would legalise the prevailing practice merely because it was obtaining in the Commission The matter has to be considered taking all the legal aspects arising therein into consideration

4) Nomination has been defined as a selection of the candidate and is the foundation of a candidate s right to go to the poll and constitutes an integral part of the election Unless there is a legal impedi ment a candidate who could otherwise stand for elect

NOTE—Contn Sheet

election must necessarily be allowed to have himself nominated i e , his nomination must be accepted if he is not subject~~ed~~ to any disability for being so nominated by virtue of any provisions in an Act or an order made under an Act or by any rule In this instance, there is no provision of law under any Act which debars the petitioner from standing as a candidate I do not find any disabling rule quoted for refusing to nominate the petitioner as a candidate In the circumstances, it appears to me that merely counting on a precedent which is called a practice prevailing in the Commission cannot be of much force since the claim of a person to stand as a candidate for election must be deemed to be based on ~~the~~ legal rights and cannot be overlooked on the ground of previous precedents

7) In the present case, it is said that because the petitioner's nomination as a member of the Municipal Commission was pending approval he could not be allowed to stand as a candidate It appears to be strange that the petitioner had a right to vote but could not stand as a candidate If he was not a member of the Commission he could not vote at all It would be an anomaly to treat him as a member of the Commission and allowed to vote for the next Municipal Commission to succeed the existing one when his nomination as a member was pending consideration If an election of the Vice-President has to take place it can only be by the sitting

Serial No

sitting members of the Commission for which the Vice-President is elected In the present case, even before the Commission for which the election of the Vice-President took place was fully constituted the election was conducted The importance of the nomination of a candidate has always been considered during elections - Nomination is said to be the voice or vote of electors and becomes the election if no other candidate is nominated It has also been held that an improper refusal of a nomination paper by the returning officer constitutes a material irregularity which would affect the result of the election and the election is liable to be set aside on that ground (Compare Aligarh Case, Khanna's Election Cases Vol II, page 5, North East Towns Case, Khanna s Elec Case Vol IV, page 124) The result of an election has been held to be materially affected if there is an improper acceptance or refusal of a nomination paper The proper course in this case appears to me to postpone the election and sought for orders of Government on the question of approval for the nomination of the petitioner as a member of the Municipal Commission, Civil Area, and then to give the petitioner a chance of standing as a candidate for Vice-President-ship during the election in question Failure to do so deprives the petitioner of his legal right to stand as a candidate and irrespective of what practice or precedent may be the election which has taken place must be deemed to be

NOTE—Contn. Sheet.

15 3261 3312/L 3397/mL

File No of 194

General and Revenue Secretariat

Serial No

be an election which has taken place before he Municipal Commission was fully constituted and to be vitiated in the circumstances by a material irregularity Taking all the circumstances into account ~~which~~ time would affect the election itself There is no provision of law under any Act or Rule which would empower the returning officer to have refused the nomination of the petitioner as a candidate for the election to the Vice-Presidentship The election is liable to be set aside

7502/12

MINISTER FOR CITY MUNICIPALITY AND MUZRAI
No 1018
Date 4-2-1948

MINISTER FOR CITY MUNICIPALITY AND MUZRAI
No 1022
Date 4-2-1948

Municipality Muzrai / 8/L 2/2 fyi

3/2/48

33) I entirely agree with the views of the Law Secretary and set-aside the Vice-Presidentship election and direct re-election

7/2/48

9/2/48

34) A draft letter put up accordingly

9/2/48

35) Draft for approval

10/2/48

10/2/48

32/5/1 V 5094/MP

3261
MP 16

The file will be sent to the
to the Minister from
City Municipalities - with
reference to the phone message.

PA to the Hon for
City Munic Matters

3/2 23

THE MINISTER FOR CITY
MUNICIPALITIES AND MUZRAH
12-93
232-

Returned by
Louis Formosa
by hand messenger
2/3/93

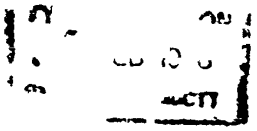
MW MATTERS need
another representation
plant at upstream

File No. 331

32½ V 5094/MC

36) Approved
8
13/2/48

37) Issue today
A
13/2/48



President: Municipal Commn
Cc State Govt
13493 dt 16 2 48

Issues instructions setting aside the election of Dheenadayalu Naidu as vice president of the Municipal Commission and directs the holding of a reelection to fill up the vacancy

Sus A)
M
16/2

From

The president Municipal Commission Madurai
No A 241/19 dated 27 2 1948

Requests Sanction to the election of Mr Dheenadayalu Naidu as vice president of the Municipal Commission at the reelection held at the monthly meeting of the Municipal Commission held on 26 2 48 in accordance with the instructions issued in this office letter Df 16 2 48

Draft notification is sent up for

3261 V5094/mb

Election of U P for the Municipal Councils and [illegible]

approval or other orders

[illegible] 3/3/48 Pr 3.3.48

May be approved

[illegible]

May be approved

[illegible]

[illegible]

C. M. S. & Irwin

T T P O CITY
No 1455
Date 4-3-1948

6/3

TYPIC SECTION
6 MAR 1948

abstract [illegible]

5/3

6/3 If the advice [illegible]

SL 16

To the Complr, on G
L 14432/mb 1-47-16 Dt 10 3-48
Rohris the election of the U P
Dheenadayalu Naidu as U P
of the mt Comm and thakur

L 14433 Dt 10-3-48
Copy to the Resident mt Comm

Pa
13/3/48

Immediate

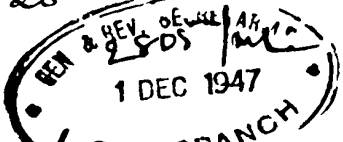
No A 1-2414-1919 Office of the Municipal Commission,
Civil Station, Bangalore,
dated the 28th November 1947

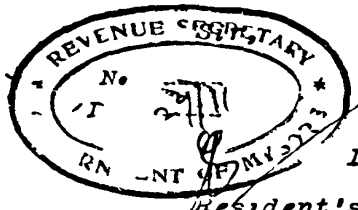
From

The President, Municipal Commission,
Civil Station, Bangalore

To

The Secretary to the
Government of His Highness the Maharaja of Mysore,
Revenue Department, Bangalore





Subject - Election of Vice-President

In accordance with the rules prescribed in the Hon'ble the Resident's Notification No 113 dated the 14th December 1925 (copy enclosed), the election of a Vice-President for the Civil Station Municipality, Bangalore, took place at the Ordinary Meeting of the Municipal Commission held at the Mayo Hall at 9 A.M on Thursday th 27th November 1947 There were two nominations as detailed below :-

(1) Mr V P Dheenadayalu Naidu - Proposed by Mr C R Nagappa and seconded by Mr P Hanumanthiah

(2) Mr Mohamed Abdul Khaliq - Proposed by Mr R Abdul Khalek Shariff and seconded by Mr Enayathullah Lekhri

A ballot was taken and Mr V P Dheenadayalu Naidu, who secured 13 votes against 12 secured by Mr Mohamed Abdul Khaliq, was declared to have been elected as Vice-President

2 I request that the Government be pleased to approve of the election of Mr V P Dheenadayalu Naidu, as Vice-President of the Municipal Commission for the period from the 1st December 1947 to the 30th November 1948 and to publish his name in the Mysore Gazette

I have the honour to be,
Sir,
Your most obedient servant,

President, L 28/C

MVL
28-11-47

THE HON'BLE THE RESIDENT IN MYSORE

29

Notification

No 113 dated Bangalore, the 14th December 1925

In exercise of the powers conferred on him by Section 175(1)(g) of the Bangalore Municipal Law, 1897, the Hon'ble the Resident in Mysore, is pleased to make the following rules for the election of the Vice-President of the Municipal Commission, Civil and Military Station of Bangalore, under Sections 17 and 18 of the said law

Rules

I A candidate for the office of Vice-President must be proposed at a meeting by one Commissioner and seconded by another The names of all candidates thus proposed and seconded shall then be read out to the meeting by the President or the presiding Commissioner

II (1) If there is only one duly nominated candidate, there shall be no ballot and he shall be deemed to have been elected.

(2) If there are two or more candidates, the votes of the Commissioners present at the meeting shall be taken

III Every Commissioner wishing to vote shall be supplied with a slip of paper He shall forthwith proceed to the place set apart for the purpose and there write on the slip so supplied the name of the candidate for whom he wishes to vote He shall then fold up the slip so as to conceal his vote and deposit the same in the ballot-box placed in view of the President and so constructed that the paper may be placed therein but not extracted therefrom without the box being opened The President or the presiding Commissioner shall then open the box and count the votes in the presence of the Commissioners and declare the result of the election in accordance with the following instructions

(i) If there are only two candidates, the one who secures the larger number of votes shall be considered to have been elected

(ii) If there are more than two candidates, the one who obtains the fewest votes shall be eliminated and the votes taken again If there is an equality of votes among all the candidates, or if two or more candidates lowest on the list have obtained an equal number of votes, the President or the presiding Commissioner shall ascertain by casting lots in the presence of the Commissioners which of them shall be eliminated The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considered to have been elected In the event of there being an equality of votes at the final stage between the two remaining candidates, the President or the presiding Commissioner shall ascertain by casting lots in the presence of the Commissioners which of the two shall be considered to have been elected.

IV No candidate whose name has been proposed and seconded shall take part in a ballot, but a candidate may withdraw at any stage, and after so withdrawing he may take part in any ballot Similarly a candidate who has been eliminated at any stage under rule III (ii) may take part in any ballot at subsequent stages

V Any voting paper which contains the signature of any of the voting Commissioners or on which more than one name is entered shall be invalid

VI Immediately after the meeting the President or presiding Commissioner shall forward the name of the person elected as Vice-President to the Secretary to the Resident, for the approval of the Hon'ble the Resident and for publication in the Residency Orders

VII (1) The President or presiding Commissioner shall then seal up the ballot papers, whether counted or rejected, and note on each packet the number of papers it contains and the election to which it relates

(2) These packets shall not be opened and their contents shall not be inspected or produced except unier the orders of the Hon'ble the Resident

(3) The packets shall be retained in safe custody in the Municipal Office for a year and shall then, unless otherwise directed by the orders of the Hon'ble the Resident, be destroyed.

EVANS GORDON,
Major,
Secretary to the Resident

Copy

MVL
28-11-47

Telephone No 246

The Arunthathy Jana Sabha

(Registered)

FOR THE UPLIFT OF HARIJANS

7 BLACKPULLY ROAD

Ref No AJS/110/47

Bangalore 1st December 1947

To The Chief Secretary
to the Govt of Mysore
Secretariat
Bangalore

Illegality of the Vice-Presidential election

In the course of statement Mr C K Ramachandran the General Secretary of the Arunthathy Jana Sabha says, that if the Vice-Presidential election of the civil station Bangalore has taken place earlier than the nomination of Mr Jayaseelan it is needless to say that such election is illegal The Vice-President is the resultant or the sum total of the voice of the en tire house It may not be in lines with democratic principles of any nation that a nominated member should have his voice in electing a Vice-president But so far as there is a provision that a nominated member also forms a par part of the commission his voice should be reflected and converged in the matter of election of a Vice-president If the Government think that the nominated element cannot effectively voice in the election it was open to them to do away with it at once Now that the Government have not done away with nominations, it cannot be said, that the council at all constituted to take a decision such as the election of a Vice President When a council was not consituted it is not open to the Collector, civil station Bangalore to make haste to elect a Vice-president

I hope that the Government will immediately bestow its attention on this legal and democratic principle and will not only take action on the official that was responsible for taking this hasty measure that was uncalled for but at once set aside the present election of the Vice-President so as to make accommodation for the election of the Vice-President by a fully constituted commission

Ramachandran

(C K Ramachandran)
General Secretary,
Arunthathy Jana Sabha

T 87
27-11-47 To The Revenue Secretary

27/11/47

To

The Minister for City Municipalities in Mysore,
BANGALORE.

REV & REV DEPT 5514
1 DEC 1947
L S G BRANCH

Dear Sir,

Subject:- Election of Vice-President for the Municipal Commission of the Civil area in Bangalore for the year 1947-48 commencing from 1st December 1947

29/11 With reference to the above I regret to bring to your kind notice that to-day 27th November 1947 at 9 a m the election of the Vice-President was conducted and Mr V P Dheenadayalu Naidu elected Although I am a member of the Municipal Commission and I voted for the said election, I was not allowed to stand as a candidate for the same by the President, Municipal Commission In his letter No A 1241/1919 dated 26th November 1947 he has stated that I cannot stand for election as I am not a Municipal Commissioner on 1st December 1947 as it stands at present In this connection I submit that the election of the Vice-President is not valid for the following reasons:

1 When the Commission is not fully constituted and when the question of nomination of the only Harijan member is still pending orders of the Government, the the election should not have been conducted that too four days earlier The President was hasty in conducting the said election

2 When it is contended that I could vote for the election of the Vice-President it cannot be understood why I was debarred from standing for the election

3 When I am the only Harijan Member I have had the full chance of being elected But the bar imposed on me denied me the opportunity,

4 My only case has been recommended to the Governme for continuance in the Commission from 1st Decem 1947 and it is not my fault if the orders of the Government are delayed,

rd on 2/47

5 My open protest in the Commission just before the election was ignored

In the above circumstances I submit that a great injustice has been done to the entire Harijan Community and that the election held to-day is invalid It may therefore be set aside and fresh election ordered to be held after the Commission is fully constituted thus securing me fair play and justice in the light of democratic principles

Yours sincerely,

M Jayaseelan

Bangalore,
27th November 1947

From

M Jayaseelan,
Municipal Commissioner,
89, Madhavaroya Moodr Road,
Fraser Town, Bangalore Cantt

11558/A1 5/12/47 Hon. P

The President
Municipal Commission
Civil Station Bandarawela

Subj Election of Mr P Dheenadayalan as Vice President of the Municipal Commission Civil Station Bandarawela

Sir

With reference to your letter No A 1-241-/4-1946 dated 28-11-47 on the above subject I am directed to forward herewith in original the objection petition received from Mr T Gnanasekaran Municipal Commissioner and to request

Send a detailed report on all the points mentioned herein may be kindly furnished to me very early. The petitioner may be informed accordingly.

Yours

for

Dy Secretary

P. 4/12/47

L 11743 / E 2586 Election I
12/12/47

To

The President -
Municipal Commissioner
Civil Station - Bangalore

Subject Election of the Dheenadayalu
Naidu as Vice President of the
Municipal Commissioner Civil Station -
Bangalore

In continuation of this office
letter no L 11533 dt 5-12-47 on the
above subject I am directed to
forward herewith in original the letter
dated 1-12-47 received from the
General Secretary - Arunachala Gowda
Salvoy and to request that the

Immediate Mr 1-47-II

No A 1-241/19 Office of the Municipal Commission,
Civil Station, Bangalore
dated the 13th December 1947

Enc 3

From

The President, Municipal Commission,
Civil Station, Bangalore

To

The Secretary to the
Government of His Highness the Maharaja of Mysore,
Revenue Department, BANGALORE

Sir,

Subject Election of the Vice-President
of the Bangalore Civil Station
Municipal Commission -
Mr Jayaseelan's objection

I have the honour to refer to your letter No 11558/R, dated the 5th December 1947

2 The points raised in Mr Jayaseelan's letter of the 27th November 1947 are examined below

(1) Point (1) Jayaseelan's contention that the Commission was not fully constituted on the date of the election of the Vice-President merely because orders regarding his re-nomination were not received on that date is unsustainable

Further there was no question of any haste on my part Since 1937 the election of Vice-President is held in November In any case under the Hon'le the Resident's Notification No 225 dated the 13th December 1946 (copy enclosed) the term of office of Mr Narasiah as Vice-President was due to expire on the 30th November and I was therefore bound, unless I had instructions from the Government to the contrary, to hold a fresh election at the meeting of the Municipal Commission in November No such instructions were received and the election was accordingly held at the meeting on the 27th November 1947 If Mr Jayaseelan wished that the election should be postponed until after orders were received from Government regarding the question of his nomination, the proper course would have been for him to move the Government in time and get their orders Since he did not choose to do so there is no ground for him to complain now

Enc I

(2) Points (2) and (4) I enclose a copy of my letter to Mr Jayaseelan No 241/19 dated the 20th November 1947 referred to by him in his letter to the Government under reference It has to be remembered that the election of the Vice-President was for a period of one year from the 1st December 1947 and that on the 20th November, when I replied to Mr Jayaseelan the orders of the Government re-nominating him as an Additional Commissioner for another year from the 1st December 1947 had not even issued No doubt I had recommended to the Government his re-nomination, but I could not anticipate the orders of the Government and take it for granted that my recommendation would be accepted Even granting that the order of the Government had issued on the 20th November, I could not take notice of it until I received the order or until it was notified in the Gazette I received the Government order dated the 27th November 1947 on the 29th November 1947 and the notification was published in the Gazette of the 4th December 1947 The position on the 26th November when I wrote to

Enc II

P T O

75

Mr Jayaseelan or on the 27th when the election was held was that there was nothing before me to indicate that Mr Jayaseelan would definitely be a Commissioner on the 1st December In fact it would have been highly improper had I presumed that my recommendation would automatically be accepted by the Government and alloued Mr Jayaseelan to stand for election as Vice-President, for had they decided to nominate somebody else as the Scheduled Castes member, any such ruling by me would have created a very embarrassing situation for the Government In the circumstances I submit that I was right in conceding Mr Jayaseelan the right to vote but not the right to stand for election

(3) Point (3) Mr Jayaseelan states that being the only Harijan member he had "full chance of being elected" the Vice-President Needless to say that such an assertion is not justified for it has to be remembered that although there has continuously been a Harijan member in the Commission since 1933, no one from that community has so far been elected as the Vice-President

(4) Point (5) This is covered by the concludin portion of my remarks under point (1)

3 In the circumstances I submit that there is no ground whatever to hold a fresh election I request therefor that orders may kindly be passed at an early date approving th election of Mr Dheenadayalu Naidu as Vice-President

4 The enclosure to your letter is returned as desired.

I have the honour to be,
Sir,
Your most obedient servant,

President, M C

MVL
12-12-47

12/12/47

c I

The Hon'ble the Resident in Mysore,

Notification

No 225 Dated Bangalore, the 13th December 1946

The Hon'ble the Resident approves the election of Mr H S Narasiah as Vice-President of the Municipal Commission, Civil and Military Station, Bangalore, for a period of one year from the 1st December 1946

(Sd) N Ramsay,
12-12-46
Secretary to the Resident

Enc II

Copy of letter No A 1-241 1919 dated the 20th November 1947 from the President, Municipal Commission, Civil Station, Bangalore to Sri M Jayaseelan, Municipal Commissioner, Civil Station, Bangalore

Reference - Vice-President - Election of
Your letter dated the 20th November 1947

It is regretted that you cannot stand for election as P F O

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42

Vice-President of the Municipal Commission as you are not a Municipal Commissioner on the 1st December 1947, as it stands at present

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py

VL
12-12-47

No A 1-241/2/19

Office of the Municipal Commission,
Civil Station, Bangalore,
dated the 14th December 1947

From

The President, Municipal Commission,
Civil Station, Bangalor

20 3397 1947
L 8 [illegible]

To

The Secretary to the
Government of His Highness the Maharaja of Mysore
Revenue Department, BANGALORE

Sir,

Subject: Election of Mr V P Dheenadayalu Naidu,
as Vice-President of the Municipal Commission,
Civil Station, Bangalore
Reference [illegible]tter No L 11743 dated the
12th December 1947

20/12
Refers

I invite your kind attention to this office letter No A 1-241, 19 dated the 13th December 1947, wherein a detailed report on the above subject has already been submitted

2 The letter of the General Secretary, Arunthathy Jana Sabha, forwarded with your above letter is returned herewith

I have the honour to be,
Sir,
Your most obedient servant,

OD Nbarayan
18/12
President, M C

MVL
18-12-47
18/12

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The Arunthathy Jana Sabha

(Registered)
FOR THE UPLIFT OF HARIJANS

n Revenue Secretary
N cs
4/12/47
STN 30 DEC
L S O
BLACKPULLY ROAD,

Ref No AJS/110/47

Bangalore 1st December, 1947

To the Munsif
for city Municipalities,

4/12

ILLEGALITY OF THE VICE-PRESIDENTIAL ELECTION

In the course of a statement Mr C K Ramachandran the General Secretary of the Arunthathy Jana Sabha says that if the Vice-Presidential election of the Civil Station Bangalore has taken place earlier than the nomination of Mr Jayaseelan it is needless to say that such election is illegal The Vice-President is the resultant or the sum total of the voice ofthe entire house It may not be in lines with democratic principles of any nation that a nominated member should have his voice in electing a vice president But so far as there is a provision that a nominated member also forms a part of the commission his voice should be reflected and converged in the matter of election of a Vice-President If the Government think that the nominated element cannot effectively voice in the election it was open to them to do away with it at once Now that the Government have not done away with nominations, it cannot be said, that the council at all constituted to take a decision such as the election of a vice president When a council was not constituted it is not open to the Collector Civil Station Bangalore to make haste to elect a vice president

I hope that the Government will immediately bestow its attention on this legal and democratic principle and will not only take action on the official that was responsible for taking this hasty measure that was uncalled for but at once set aside the present election of the Vice-President so as to make accommodation for the election of the Vice-President by a fully constituted commission

Ramachandran

(C K Ramachandran)
General Secretary,
Arunthathy Jana Sa

3261 15

Appendix F C

No

SUBJECT Election of the V ...ves dat... for the Municipal ...Commission... Cir station Bangalore and the ...ga...ee laws objection thereto.

Section ...

File No 1-47

Serial No 12

No L 13493 /48

To The President-Municipal Commission- Civil Station- Bangalore

Diary No of letter replied to 3261

General and Revenue Secretariat

( )

the 19

Date of issue 16-2-48

Signed by Mr G R Rao

List of enclosures

Copied by

Examined by

Sir

With reference to the correspondence ending with your letter No A1 241/48 dated 13-12-47, I am directed to state that the question has been examined in detail with reference to the provisions of Law and the practice and precedent in this behalf. Government observe that an election for the office of the

Vice-president has to take place
it can only be by the sitting
members of the Commission for
which the Vice-president is to be
elected The records in this instance
disclose that, even before the
Commission for which the election
of the Vice president took ~~its~~
place ~~and~~ was fully constituted,
the election under consideration
was conducted ~~The importance~~
of the nomination of a candidate
has always been considered as important
during election Nomination is
said to be the voice or vote of
electors and becomes the
election if no other Candidate
is nominated It has also been
held that an improper refusal of acceptance or
of a nomination paper by the
Returning Officer constitutes a
material irregularity which
would affect the ~~result~~ validity

the election

Government consider that the proper course this case would have been to have postponed the election and sought fresh orders of Government on the question of approval for the nomination of Mr Jayaseelan as a member of the Municipal Commission Cuddalore area and then to have given Mr Jayaseelan a chance of standing as Candidate for the Vice presidentship during the election in question failure to do so, deprived Mr Jayaseelan of his legal right to stand a candidate therefor irrespective of what the practice or precedent may have been. the election which ~~has taken place~~ held already must be deemed to be an election which has taken place before the Municipal Commission was duly constituted and to be vitiated, in the circumstances, by a material irregularity

It is also seen that there

provision of Law under any Act or Rule

which would empowers the Returning Officer to

refuse the nomination of Mr Jayaseelan as a candidate

for the election of the Vice Presidentship

The above circumstances are deemed to affect the

validity of the election of Mr V P Dheenadayalu

Naidu as Vice President of the Municipal Commissioner

Station Bareilly and is accordingly

set aside A re-election may be held early

for filling up the vacancy in question according

to the rules framed in this behalf

Yours faithfully

13/2/68

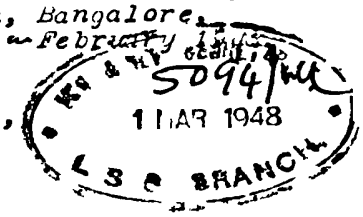
Revenue Secy

to

Govt

mL 1-47-15

No A1/241/19 Office of the Municipal Commission,
Civil Station, Bangalore,
dated the 27th February 1948



From

The President, Municipal Commission,
Civil Station, Bangalore

To

The Secretary to the
Government of His Highness the Maharaja of Mysore,
Revenue Department, BANGALORE

Sir,

Subject - Election of the Vice-President
for the Municipal Commission,
Civil Station, Bangalore

I have the honour to refer to your letter No L 1394 ML/47-12 dated the 10th February 1948 on the above subject

2 As directed by the Government the re-election of the Vice-President was held at the monthly meeting of the Municipal Commission, Civil Station, Bangalore, on the 26th February 1948 Mr Jayaseelan proposed the name of Mr V P Dheenadayalu Naidu and C R Nagappa seconded the proposal As there was no other nomination, Mr V P Dheenadayalu Naidu was declared to have been elected Vice-President, subject to approval by the Government (vide copy of Municipal Commission's resolution enclosed)

3 I request that the Government be pleased to approve of the election of Mr V P Dheenadayalu Naidu as Vice-President of the Municipal Commission for the period ending the 30th November 1948 and to publish the necessary notification in the Mysore Gazette

I have the honour to be,
Sir,
Your most obedient servant,

President, C

MVL
26-2-48

26/2/48

20

Municipal Commission's resolution dated the 26th February 1943 (Ordinary Meeting)

2 Election of Vice-President

The President, Municipal Commission, read the letter from the Government and asked the members to elect a Vice-President as directed therein

Mr Jayaseelan said that he preferred the objection in respect of the last election only for clarification of the position of the nominated member and that he wished to propose Mr V P Dheenadayal Naidu as Vice-President He then proposed the name of Mr P Dheenadayalu Naidu and Mr C R Nagappa seconded the proposal

As there was no other nomination, the President declared V P Dheenadayalu Naidu to have been elected Vice-President

(Sd) N Puttarangasuamy,

President, M C

Copy

MVL
26-2-43

Puttarangasuamy 26
President

To L 16655 21

The President-

Municipal Commission

— Bangalore

Subject Municipal Elections

Ward Station- Bangalore

Sir,

With reference to your letter No

A1 63/1968 dated 3-5-68 on the above

subject I am directed to state

that the question is under the consideration

of the Govt and orders thereon will be

communicated to you shortly

Yours faithfully

for Secy

No 1 MV 13 Copies

L 14432/ Mnl + 47 - 1622

Notification 18/3/48

Section 17 of the Bangalore Municipal Law and under Rule 4 of the Rules for the Election of Vice presidents of the Municipal Commission and Military station Bangalore, the Govt of ~~H.H. the Maharaja of Mysore~~ are pleased to approve of the election of Mr G P Dheenadayalu Naidu Vice president of the Municipal Commission and station Bangalore for the period ~~from to~~ ending 30 4 48

From Rev 8 4/3/48 Secy to Govt

No 3/3

To

The Comptroller Mysore gazette for publication in part III of the gazette and for supply of 10 copies thereof to

the Municipal Branch of the Secretariat
and the President Municipal Commission
Civil Station each

Memo L 14433 18/3/48

Copy forwarded with Compliments
to the President Municipal Commission
Civil Station Bangalore for information
with reference to his letter No A1/241/19
dt 27-2-48

for
Jt Sec Rev Secy

Cop
3/3/48

Fr 3/3/48

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE 2 3

No. L 14432/Mnk 1-47-16 General and Revenue Secretariat
Dated Bangalore 10 March. *1948*

NOTIFICATION

Under Section 17 of the Bangalore Municipal Law and Rule VI of the Rules for the election of Vice Presidents of the Municipal Commission, Civil and Military Station, Bangalore the Government are pleased to approve of the election of Mr V P Dheenadayalu Naidu as Vice President of the Municipal Commission, Civil Station, Bangalore, for the period ending 30th November 1948

By Order,

for Secretary to Government,
Revenue Department

To

The Compiler, Mysore Gazette for publication in Part of the Gazette and for supply of 10 copies thereof the Municipal Branch of the Secretariat and the President, Municipal Commissione, Civil Station ea